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10/551,089

12/27/2006

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BERENATO, WHITE & STAVISH, LLC
6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA, MD 20817

EXAMINER

ALTUN, NURI B

ART UNIT

PAPER NUMBER

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MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,089	Applicant(s) DI GIACOMO ET AL.	
	Examiner Nuri Boran ALTUN	Art Unit 4165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-26, as originally filed, are currently pending and have been considered below.

Drawings

1. The drawings are objected to because **Figure 8 shows “two different parts numbered 75”**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

Character 15 is used to describe “an arm” in the specification and a “drive member and a flexible belt” in claims.

Character 18 is used to describe “end portion” on page 4, line 10; and “opposite portion” on page 5, line 5 in the specification.

Character 29 is used to describe “annular cavity” on page 5, line 17; “close cavity” on page 6, line 3 in the specification; and an “annular chamber” in claims.

“8” should be deleted on page 8, line 16 in the specification because Figure 8 does not show character “56”.

Character 60 is used to describe “hinge pin” on page 9, line 2; and “oscillation-damping bushes” on page 9, line 16 in the specification.

Character 58 is used to describe “a hinge-and-cam actuating assembly” in the specification; an “actuating means,” and a “mechanical drive” in claims.

Appropriate correction is required.

Claim Objections

3. Characters used in claims are confusing since they designate different elements. For example, character “22” is used to designate “actuating means,” “mechanical drive,” “lever drive means,” and “rocker arm lever.”

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Peak (3,587,336)** in view of **Siegwart, Jr. (4,861,321)**.

As per claim 1, Peak teaches a drive assembly for driving a rotary member (see Figures 1 and 2); the assembly being characterized by comprising

a movable supporting member (58);

a drive wheel (50) fitted idly to said movable supporting member;

elastic means (66) for moving said movable supporting member (col.2, lines 68-70), so that said drive wheel(50) angularly engages said rotary member(52) and a drive member(38), powered by the combustion engine (20), to drive the rotary member (see Figures 1 and 2);

However, Peak fails to teach actuating means which can be activated to exert a force in opposition to that exerted by said elastic means, to detach said drive wheel from at least one of said rotary member and said drive member.

Siegwart, Jr. teaches a pulley shift assembly having actuating means (410) which can be activated to exert a force in opposition to that exerted by said elastic means, to detach said drive wheel from at least one of said rotary member and said drive member (col.18, lines 39-49).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drive assembly of Peak to include the actuating means of Siegwart, Jr. in order to prevent cooling of the engine when not required.

As per claim 2, Peak teaches an assembly as claimed in claim 1, characterized in that said elastic means exert a force, to push said drive wheel against said rotary member and said drive member, which is greater than the travel resistance of said actuating means when maintained in a disabled rest condition (col.3, lines 12-15; it is construed that when the rear belt is removed, the actuator is in disabled rest condition and the urging of spring is interpreted to mean exerting a force to push the members).

As per claim 3, Peak discloses all the structural elements of the claimed invention, as mentioned in claim 1, but fails to explicitly disclose actuating means comprising an actuator independent of said combustion engine.

Siegwart, Jr. teaches actuating means comprising an actuator (110) independent of said combustion engine (see Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drive assembly of Peak to include the actuating means of Siegwart, Jr. in order to switch the pump on and off depending on temperature conditions.

6. Claims **4-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Peak (3,587,336)** in view of **Siegwart, Jr. (4,861,321)**, as applied to claim 1 above, and further in view of **Prampolini (6,396,173)**.

As per claims 4-8, Peak teaches movable supporting member comprising a connecting portion (60), opposite that supporting said drive wheel.

However Peak fails to disclose said actuating means comprising a mechanical drive which comprises a gear drive and cam actuating means, and said actuator being a rotary actuator.

Siegwart, Jr. teaches cam actuating means (150 and 152).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mechanism of Peak to include the cam actuator of Siegwart, Jr. in order to have better configuration of parts.

The Peak and Siegwart, Jr. combination teaches all structural elements, as applied above, but fails to explicitly disclose a mechanical drive comprising a gear drive and a rotary actuator.

Prampolini teaches a linear actuator (1) having a mechanical drive comprising a gear drive (21a) between actuator and moveable supporting member (col.2, lines 40-44), and a rotary actuator (col.2, lines 40-41; it is construed that an actuator with a rotatable intermediate body is a rotary actuator).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Peak and Siegwart, Jr. to include the actuator of Prampolini in order to have a better configuration.

As per claims 9-10, Peak teaches the connecting portion (pivot (60); which is construed to be a hollow tubular portion) being a hollow tubular portion having an axis of symmetry parallel to axis of rotation of said drive wheel (see Fig. 2), also teaches elastic

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means comprising a torsion spring (66, see Fig. 2) housed in the tubular connecting portion, and having one end fixed angularly to the tubular said connecting portion (col. 2, lines 68-71). Peak doesn't explicitly show the spring in tubular portion and one end fixed angularly to the tubular connecting portion; however one of ordinary skill in the art could modify the spring to be in the tubular portion and have one end fixed to the tubular portion in order to have a firmer connection of the spring.

However, Peak fails to explicitly disclose said cam actuating means comprising a hinge pin engaging said hollow tubular portion in rotary manner about said axis of symmetry, and hinged to a fixed frame to rotate about a hinge axis parallel to and eccentric with respect to the axis of symmetry; said actuating means rotating said hinge pin about said hinge axis, and said hinge pin to which one end of spring is connected.

Sieewart, Jr. teaches a cam actuator comprising a hinge pin (154) engaging hollow tubular portion in rotary manner about axis of symmetry, and hinged to a fixed frame (156) to rotate about a hinge axis parallel to and eccentric with respect to the axis of symmetry, said actuating means rotating said hinge pin, about said hinge axis (col.9, lines 26-33) to which one end of spring is connected. Sieewart, Jr. doesn't explicitly show the pin being a hinge pin; however one of ordinary skill in the art could modify the pin to be a hinge pin in order to provide better movement of parts.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mechanism of Peak to include the cam actuating means taught by Sieewart, Jr. in order to have better structural integrity.

As per claim 11, Peak further teaches tubular said connecting portion defining an annular chamber coaxial with axis of symmetry; said torsion spring being a wire spring (66) housed in said annular chamber and coaxial with said axis of symmetry (see Fig. 2). Peak doesn't explicitly show the connecting portion defining an annular chamber coaxial with axis of symmetry; however one of ordinary skill in the art could modify the connecting portion to being an annular chamber coaxial with axis of symmetry and place the spring in that chamber in order to provide symmetry of parts.

As per claim 12, the Peak, Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 10 above, but fails to explicitly disclose hinge pin being fitted integrally with a radial toothed portion of said gear drive.

Prampolini further teaches hinge pin being fitted integrally with a radial toothed portion (21b and 21c) of said gear drive (col.2, lines 40-44).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Peak, Siegwart, Jr. combination to include the radial toothed portion taught by Prampolini in order to have better structural integrity.

As per claim 13, Peak teaches all structural elements of the claimed invention, as mentioned above, but fails to explicitly disclose hinge pin terminating at one end with a radial appendix having a curved slot with its center of curvature coincident with hinge axis; said toothed portion facing inwards of said slot and meshing with a pinion movable inside the slot.

Siegwart, Jr. further teaches hinge pin terminating at one end with a radial appendix (166) having a curved slot (164) with its center of curvature coincident with hinge axis (col.9, lines 28-30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the mechanism of Peak to include the hinge pin taught by Siegwart, Jr. in order to have better movement of the parts.

The Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as mentioned above, but fails to explicitly disclose toothed portion facing inwards of said slot and meshing with a pinion movable inside the slot.

Prampolini further teaches said toothed portion (21b and 21c) facing inwards of said slot and meshing with a pinion (3) movable inside the slot (col.2, lines 42-44).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Peak and Siegwart, Jr. combination to include the toothed portion taught by Prampolini in order to have better movement of the parts.

As per claim 14 Peak teaches all structural elements of the claimed invention, as mentioned above, but fails to explicitly disclose rotary actuator being housed in a cavity defined by said frame, and having an output shaft parallel to the hinge axis.

Siegwart, Jr. further teaches actuator being housed in a cavity (164) defined by said frame (156) (col.9, lines 30-33).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the mechanism of Peak to include the cavity taught by Siegwart, Jr. in order to have better protection of the parts.

The Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as mentioned above, but fails to explicitly disclose rotary actuator having an output shaft parallel to the hinge axis.

Promptellini further teaches rotary actuator having an output shaft (100) parallel to the hinge axis (see Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Peak, Siegwart, Jr. combination to include the output shaft taught by Prampolini in order to have better structural integrity.

As per claim 15, Peak teaches all structural elements of the claimed invention, as applied to claim 9 above, but fails to explicitly disclose the frame being connected integrally to a fixed body by a single through screw extending coaxially with said hinge axis.

Siegwart, Jr. teaches the frame being connected integrally to a fixed body (102) by a single through screw (bearing (170) which is construed as a screw) extending coaxially with the hinge axis (See Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the mechanism of Peak to include the frame connection taught by Siegwart, Jr. in order to have better structural integrity.

As per claim 16, Peak teaches connecting portion, as mentioned previously, but fails to explicitly disclose frame having a recess bounded by a cylindrical end surface coaxial with said axis of symmetry; said connecting portion being housed removably in said recess; and said hinge pin being connected in rotary manner to a hinge pin coaxial with the hinge axis and integral with a supporting plate of said frame.

Siegwart, Jr. teaches the frame has a recess, (244 and 246) bounded by a cylindrical end surface (240) coaxial with said axis of symmetry (see Figures 1 and 14-17), in which said connecting portion is housed, said hinge pin being connected in rotary manner to a hinge pin coaxial with the hinge axis and integral with a supporting plate of said frame (see Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the mechanism of Peak to include the recess and hinge pin connection taught by Siegwart, Jr. in order to have better parts configuration.

As per claim 17, the Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 3 above, but fails to explicitly disclose actuator being a linear actuator; and lever drive means are interposed between the linear actuator and said movable supporting member.

Prampolini teaches the actuator being a linear actuator (see title), and lever drive means (20) are interposed between the linear actuator and said movable supporting member.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Peak and Siegwart, Jr. to include the linear actuator of Prampolini in order to have a better configuration.

As per claim 18, the Peak, Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 17 above, but fails to explicitly disclose drive means comprising a rocker arm lever.

Prampolini teaches drive means comprising a rocker arm lever (arm (20) which is construed as a rocker arm lever).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Peak, Siegwart, Jr. combination to include the rocker arm lever taught by Prampolini in order to provide better configuration of the parts.

As per claim 19, the Peak, Siegwart, Jr. combination teaches movable supporting member (58) comprising a connecting portion (60) and defining an annular chamber housing said elastic means (66) (see Fig. 2). However the Peak and Siegwart, Jr. combination fails to disclose connecting portion being hinged directly to a portion of said rocker arm lever to rotate about an axis parallel to the axis of rotation of said drive wheel.

Prampolini teaches rocker arm lever (20) hinged directly to connecting portion (see Fig. 1) to rotate about an axis parallel to the axis of rotation of said drive wheel.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Peak, Siegwart, Jr. combination to include

the rocker arm lever taught by Prampolini in order to provide better configuration of the parts.

As per claim 20, the Peak, Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 19 above, but fails to explicitly disclose said rocker arm lever having first retaining means for engaging second retaining means carried by said connecting portion to keep the drive wheel detached from both said rotary member and said drive member.

Prampolini teaches said rocker arm lever having first retaining means(28) for engaging second retaining means(29) carried by said connecting portion to keep the drive wheel detached from both said rotary member and said drive member (see Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Peak, Siegwart, Jr. combination to include the rocker arm lever taught by Prampolini in order to provide firmer connection of the lever.

As per claim 21, Peak further teaches said drive member being a flexible belt (38); said drive wheel (50) cooperating with the back of said belt (see Fig. 2 and col.2, lines 61-62).

7. Claims **22-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Peak (3,587,336)** in view of **Siegwart, Jr. (4,861,321)**, as applied to claim 1 above, and further in view of **Volkman (4,938,665)**.

As per claim 22, the Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 1 above, but fails to explicitly

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disclose said movable supporting member comprises two contoured portions of the same shape and size.

Volkman teaches supporting member comprises contoured portions (18, 20, 22) of the same shape and size (see abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Peak and Siegwart, Jr. to include the contoured portions of Volkman in order to have a better configuration.

Volkman doesn't explicitly disclose two contoured portions; however three contoured portions of Volkman perform all functions that are taught by two contoured portions of the applicant. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the three contoured portions taught by Volkman to include two contoured portions, since it has been held by the court that mere duplication of parts has no patentable significance unless a new and unexpected result is produced (*See MPEP Section 2144.04 VI (B)*).

As per claim 23, the Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 22 above, but fails to explicitly disclose said contoured portions extending on opposite sides of a central plane of symmetry of the drive wheel, which plane is perpendicular to the axis of rotation of said drive wheel.

Volkman teaches said contoured portions extending on opposite sides of a central plane of symmetry of the drive wheel, which plane is perpendicular to the axis of rotation of said drive wheel (see abstract and Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Peak and Siegwart, Jr. to include the contoured portions of Volkmann in order to have a better configuration.

As per claim 24, the Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 22 above, but fails to explicitly disclose said contoured portions being made of molded plastic material.

Volkmann teaches contoured portions being made of molded plastic material (col.2, lines 45-49).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Peak and Siegwart, Jr. to include the contoured portions material of Volkmann in order to have structural integrity.

As per claim 25, the Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 23 above, but fails to explicitly disclose said contoured portions contacting, and being connected integrally to, each other.

Volkmann teaches contoured portions contacting, and being connected integrally to, each other (col.2, lines 45-49, and see Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Peak and Siegwart, Jr. to include the contoured portions connection of Volkmann in order to have structural integrity.

As per claim 26, the Peak and Siegwart, Jr. combination teaches all structural elements of the claimed invention, as applied to claim 22 above, but fails to explicitly

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disclose contoured portions defining at least one end fork having respective arms; each arm having a respective integral cylindrical projection forming part of a hinge pin coaxial with a relative axis, and to which the drive wheel is mounted to rotate about the relative axis.

Volkman teaches contoured portions defining at least one end fork having respective arms (see Fig. 4); each arm having a respective integral cylindrical projection (34, 36, 38, 40, 42) forming part of a hinge pin coaxial with a relative axis, and to which the drive wheel is mounted to rotate about the relative axis (col.7, lines 38-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Peak and Siegwart, Jr. to include the contoured portions of Volkman in order to have a better configuration.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference Purrer (3,730,037) discloses a reversible transmission with a V-belt pulley and an actuator acting against spring.

The reference Hammelmann (3,187,674) discloses a device for regulating contact pressure with the concept of having a belt transmission.

The reference Tanaka (JP63151520) discloses a transmission gear for tractor with shaft in engagement with gears.

The reference Halls (3,550,463) discloses a disengageable belt and sheave drive with belt supports.

The reference Minnich (1,416,569) discloses an auto attachment with two pulleys in contact.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nuri Boran ALTUN whose telephone number is (571) 270-5807. The examiner can normally be reached on Mon-Fri 7:30 - 5:00 with first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571 272 6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NBA

/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4165